

Message Text

CONFIDENTIAL

PAGE 01 MANILA 03357 091056Z

22

ACTION EB-07

INFO OCT-01 EA-07 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOT-00 INR-07 NSAE-00 FAA-00 L-03 SS-15 NSC-05 AID-05

EUR-12 /064 W

----- 054315

R 090938Z MAR 76

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 2841

C O N F I D E N T I A L MANILA 3357

E.O. 11652: GDS

TAGS: EAIR, EWWT, RP

SUBJECT: CIVAIR AND SHIPPING -- GOP DECREES ON AIR AND SHIP
PREFERENCES

REF. (A) STATE 055421 (B) MANILA 2929

1. SECTION 2 OF PRESIDENTIAL DECREE 894 (TEXT BEING SENT SEPT-76) APPEARS BROAD ENOUGH TO COVER ANY PRIVATE PERSON OR ORGANIZATION HAVING RECEIVED ANY CONSIDERATION FROM OR DOING BUSINESS WITH THE GOP, REQUIRING SUCH PERSON OR ORGANIZATION TO USE PHILIPPINE FLAG AIR CARRIERS AND SHIPS. FIRST CASE TO COME TO OUR ATTENTION IS INTERNAL MEMO OF INTERNATIONAL RICE RESEARCH INSTITUTE WHICH BELIEVES IT IS SUBJECT TO PD 894. IRRI MEMO POINTS OUT THAT "ONE PROBLEM WE HAVE TO RESOLVE IS WHAT TO DO WHEN A SPECIFIC TRAVEL CASE IS FUNDED BY USAID MONEY. ON THE ONE HAND, USAID REQUIRED THE USE OF U.S. FLAG CARRIERS IN SUCH A CASE, CONFLICTING WITH THE REQUIREMENT OF PD 894 THAT AN RP FLAG CARRIER SHOULD BE USED." IRRI MEMO CONCLUDES THAT IRRI OFFICERS WOULD HAVE TO DISCUSS MATTER FURTHER AS SOON AS THEY RECEIVE A COPY OF PD 894.

2. WE HAVE DISCUSSED PD 894 WITH GERMAN, SWEDISH, BRITISH AND JAPANESE EMBASSIES AS WELL AS WITH PANAM REPRESENTATIVE AND LEADING LOCAL AGENT OF SHIPPING
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 MANILA 03357 091056Z

LINES. ALL FOUR EMBASSIES ARE IN VARIOUS STAGES OF

REPORTING DEVELOPMENT AND SEEKING
INSTRUCTIONS. GERMAN COMATT HAS DISCUSSED SUBJECT ORALLY
WITH DFA ECONOMIC AFFAIRS DEPARTMENT.

3. PD 894 APPEARS TO BE A REINCARNATION OF PD 667. THIS
IMPRESSION IS REINFORCED BY FACT THAT ON MARCH 5 PRESIDENT
MARCOS SIGNED PRESIDENTIAL DECREE NO. 900, CREATING A GOP-
OWNED PHILIPPINE NATIONAL LINES. PD 894 ALSO CURIOUSLY
ASSIGNS WAIVER AUTHORITY ON NONAVAILABILITY OF PHILIPPINE
SHIPPING TO BOARD OF TRANSPORTATION IN MANILA RATHER THAN
TO PHILIPPINE CONSULS IN FOREIGN PORTS AS HAS HITHERTO BEEN THE
CASE FOR DBP-FINANCED CARGOES.

4. IN THE MEANTIME, UNDER THE COMPANION PD 895 ON AIRLINE
DISCRIMINATION (TEXT ALSO SENT SEPTTEL), CAA HAS INFORMED
AIRLINES THAT PAL WILL PERFORM, AS OF MAY 1, GROUND HANDLING
SERVICES (RAMP, PASSENGER HANDLING, AND AIRCRAFT CLEANING)
FOR ALL AIRLINES NOT DOING SO THEMSELVES. THERE IS ALSO
RUMOR THAT CAA PLANS TO RAISE LANDING FEE BY 300 PERCENT.

5. WHILE WE LIKEN PD 894 TO PD 667, WE BELIEVE SITUATION
WILL CLARIFY IN TIME WHEN RULES AND REGULATIONS IMPLEMENTING
THE DECREES ARE ISSUED AND APPLIED. IN THE MEANTIME, WE
SUGGEST THAT THE DEPARTMENT CONSULT WITH BOTH THE CAB AND
FMC ON WHAT CONSTITUTE THE OBJECTIONABLE FEATURES OF THE
DECREE AND ON POSSIBLE COUNTERMEASURES WHICH SHOULD BE
UNDERTAKEN. ALSO, DEPARTMENT MAY WISH TO CONFER WITH OTHER
FRIENDLY AND INTERESTED COUNTRIES SO THAT ANY DEMARCHE MADE
ON THE GOP CAN BE COORDINATED. OUR INITIAL REACTION IS
THAT SOME FAIRLY FIRM COUNTERMEASURES MAY BE CALLED FOR,
BUT WE MAY BE ABLE TO AVOID BEING OUT FRONT.
SULLIVAN

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DISCRIMINATION, LAW, AIRLINES, STEAMSHIP LINES
Control Number: n/a
Copy: SINGLE
Draft Date: 09 MAR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: izenbei0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976MANILA03357
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760088-0910
From: MANILA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760380/aaaacsuy.tel
Line Count: 93
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 76 STATE 55421, 76 MANILA 2929
Review Action: RELEASED, APPROVED
Review Authority: izenbei0
Review Comment: n/a
Review Content Flags:
Review Date: 07 JUN 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <07 JUN 2004 by greeneet>; APPROVED <28 SEP 2004 by izenbei0>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CIVAIR AND SHIPPING -- GOP DECREES ON AIR AND SHIP PREFERENCES
TAGS: EAIR, EWWT, RP
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006